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SUBJECT: BOLIVIA: BIG TROUBLE IN LITTLE PANDO

REF: A. LA PAZ 2178
[1](#)B. LA PAZ 2004
[1](#)C. LA PAZ 1993

Classified By: EcoPol Chief Mike Hammer for reasons 1.4 (b)(d)

[1](#)1. (C) Summary: A series of interviews with Post contacts, including with Movement Toward Socialism (MAS) and National Unity (UN) party Deputies, has shed light on the Bolivian government's contradictory statements on when it will lift the state of siege in Pando, and also on the continued detentions of former Pando Prefect Leopoldo Fernandez, media commentator Jorge Melgar, and eleven others. MAS Deputy Ana Lucia Reis confirmed a prior agreement to lift the state of siege in Pando by October 28, but said current plans called for its removal between December 12 and 15. Reis characterized Minister of the Presidency Juan Ramon Quintana as the new power in Pando, and said the MAS was increasing army and police forces as part of an overall strategy "never to lose" Pando again. A voluntary release of Fernandez by the government is unlikely to occur, as Quintana continues to search for (or construct) evidence to support claims of Fernandez' complicity in the September 11 violence in Pando. The government has so far ignored a habeas corpus ruling by the Supreme Court to move Fernandez from San Pedro Prison in La Paz to Sucre. The Court's deadline passed on October 29 without action by the government. National Ombudsman Walter Albarracin labeled the government's actions in the series of arrests as "completely illegal," while judging that "both sides share the guilt" in Pando. International organizations continue to monitor the situation and have interviewed Fernandez, but their ability to investigate independently appears to have been curtailed. An investigation by the Union of South American Nations (Unasur) did refute the government's charges of U.S. involvement in the September 11 violence, but also found no evidence to support charges of Venezuelan involvement. The government's militarization of Pando, which is being carried out under the guise of "combating smuggling" of contraband, reminds Post of prior government measures to increase military presence in Santa Cruz as part of flood relief activities. Both are bold attempts by the government to project power in opposition strongholds in such a way as to not raise eyebrows, either domestically or internationally. End Summary.

MAS to Lift Pando Siege in December

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¶2. (C) Congressmen from the ruling Movement Toward Socialism (MAS) and opposition National Unity (UN) parties confirmed that the government offered to lift the state of siege in Pando within a week as a last-minute concession following an October 20-21 agreement on the text of a draft constitution. Ana Lucia Reis (MAS-Pando) said the government "did not keep their word." She said the MAS wanted more time to conduct arrests and "create" cases against the opposition while keeping independent investigations at bay. According to Reis, Minister of the Presidency Juan Ramon Quintana was key to overruling the measure and remains the "prefect behind the (interim) prefect," Navy Commander Admiral Rafael Bandiera. The opposition "should not be surprised" the government reneged considering they "had nothing on paper." UN Party opposition Congressman Peter Maldonado said the opposition had expected the government to follow through on the agreement because it was made in the presence of international observers.

Lifting Martial Law, But Clamping Down Nonetheless

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¶3. (C) According to Reis, the MAS instead plans to lift the siege in December, likely between December 12 and 15, just before the deadline requested by the National Electoral Court (CNE). While the MAS will say they lifted it "early" for PR value, they will lose little by lifting martial law. Reis said the reality is the military and police are beefing up their presence to consolidate the government's gains and make sure "they will never lose Pando again." This "militarization" is being done under the guise of long-overdue increases in troop strength to combat narcotics and other contraband, and generally restoring order to a near-forgotten department long verging on lawlessness.

Quintana's Pando Present and Chiquitin's Pando Future

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¶4. (C) Reis said Miguel "Chiquitin" Becerra, a former ally of Prefect Leopoldo Fernandez turned bitter rival, has been chosen as the government's Prefect candidate in 2010. She said Chiquitin has been the government's key organizer and local surrogate in Pando, where their revolutionary rhetoric did not create much initial excitement. In exchange for his support, the government will allow Chiquitin to skim about 20 percent of funds for government projects and pay him bonuses for organizing government campaigns for special events, such as the \$5,000 Reis said Chiquitin admitted to receiving for spearheading the government August 10 recall referendum campaign. Key Chiquitin allies are reaping the benefits of Pando's current influx of federal agencies and projects, including the contractor for a planned multi-million dollar sports stadium that "no one in Pando needs." Reis lamented that whatever overbearing tendencies Fernandez exhibited will pale in comparison with the powerful grip Chiquitin is only starting to flex over Pando.

¶5. (C) For the moment, according to Reis, Quintana controls Pando. While she opined that Bandiera appears a "nice guy" and suitable interim replacement, political appointees, mainly Quintana acolytes from La Paz with Chiquitin supporters, have replaced the senior prefect staff and are largely running the Department. She said Quintana angered locals by publicly explaining he had to bring in officials from La Paz because "there are no competent replacements in Pando."

¶6. (C) Reis, on the other hand, is receiving no offers for pork barrel benefits or any indication the MAS wants to endorse her plans to run for Cobija Mayor or other Pando leadership positions. She suspects she is "not radical enough" for Quintana and anticipates she may need to take a "break" from politics. She may not have endeared herself by pushing back on the government's plans to halt U.S. assistance; Reis has already lobbied the interim prefect and Lower House President Edmundo Novillo to protect U.S.

Military Group funded humanitarian projects in Pando and plans to approach Quintana on the same.

Legality of Arrests?

17. (C) Reis said Prefect Leopoldo Fernandez has many good leadership qualities, but that is he is also "very, very corrupt" and could have been deposed on those grounds. "Why don't they charge him for corruption," she asked rhetorically, instead of creating "charges they will never be able to prove." She said the charges against Pando detainees range from dubious to non-existent, but that the government has clearly violated procedural legal rights. With no Constitutional Court to enforce these rights, however, Reis said, "The law is whatever Evo says it is."

Latest Arrests "Purely Political"

18. (C) Reis said four new detainees arrested between October 17 and October 28 and seven arrested October 30 were all targeted for "political," not legal, reasons. She said military and prefecture contacts told her that the government plans to link some of the latest captives with charges of conspiracy using planted riot gas grenades as evidence. Arrests included Fernandez's brother-in-law, two mayors (of Porvenir and Bolpebra), an ex-assembly member (Podemos Party; not confirmed by the government), a TV journalist, and Pando Department employees and businessmen. Vice Minister of Justice Wilfredo Chavez said the new detainees were sent to La Paz to face charges of violating Pando's martial law and added that more arrests would be forthcoming. Family members and the lawyers of the four Pandinos arrested before October 30 complained security forces conducting the arrests did not identify themselves or present warrants and that authorities did not confirm the arrests, leading them to worry their family members had been kidnapped by extra-legal forces.

Prefect Fernandez's Fate

19. (U) Prefect Leopoldo Fernandez remains in La Paz's San Pedro prison awaiting formal charges since he was arrested September 18. The government has continually rejected pleas to have Fernandez moved to Sucre for trial, including a 48-hour ultimatum issued by the Supreme Court on October 27 in response to a habeas corpus petition by Fernandez. The government has not responded to this ultimatum, and Fernandez remains in San Pedro prison. Separately, Government Minister Alfredo Rada has threatened to start a legal process against the Supreme Court judges for their "illegal" ruling, stating that they had not notified his offices of their habeas corpus ruling, as required by law. On October 30, MAS supporters clashed with journalists outside the prison and harassed a Unasur delegation following a three-hour interview with Fernandez. The police did not protect the journalists. Vice President Alvaro Garcia Linera has promised an investigation into the incident.

110. (C) Human Rights Ombudsman (Defensor del Pueblo) Waldo Albarracin told PolOff October 17 that pro-government groups had held a vigil outside the prison almost constantly since Fernandez was brought there. He characterized their presence as a government-financed ploy and questioned their strategy. "Are they afraid the Supreme Court is going come down with clubs and take him (Fernandez) away? The government controls the prison, it is ridiculous."

111. (C) Reis and Maldonado confirmed "talk" about releasing Prefect Leopoldo Fernandez as part of a compromise on the new Constitution, however "that idea was absolutely rejected" by the government, according to Reis. She said the most Vice President Garcia Linera would commit to was "it would be considered." Reis said if the opposition thought Fernandez's release was being seriously considered, they were "naive." She said Fernandez has become a symbol of the government's case that the violence in Pando was an

opposition-orchestrated "massacre." If they let him walk, "the whole credibility of that premise is rightfully going to be questioned." However, the government finds itself in a self-designed conundrum: the facts do not support charges such as "genocide" and the international community is watching. Chamber of Deputies (lower house) President Edmundo Novillo allegedly told Reis the government may have to let Fernandez walk, albeit a short walk before unknown assassins gun him down. Alternatively, the government could have him killed in prison. She alleged Novillo told her such a scenario presented a very tempting and convenient solution which would allow the government to maintain international credibility for releasing him, deniability for the crime itself, and preserve the myth of Fernandez as the massacre's mastermind.

MAS/Quintana Psych 101

¶12. (C) Reis added, however, that many scenarios were being considered and that Presidency Minister Juan Ramon Quintana was still "looking for evidence," hoping to find some evidence, or create some evidence, that would make the charges against Fernandez stick. When asked whether Quintana believes in his own contentious charges against Fernandez specifically, and against the opposition and the United States in general, Reis speculated that he probably does. She assessed that Quintana is driven to believe frivolous conspiracy theories because doing so justifies dubious measures that help the current regime to consolidate power and ensure its preservation. "Do not underestimate the fear many of these MAS leaders have that it could all turn against them at any moment," said Reis. She added that such insecurity leads to lashing out at any "phantom" challenge to their power, which they will "do anything to protect." Ultimately, Quintana "convinces himself it is all true" and therefore it is his "duty" to fabricate evidence and trumped up charges so the guilty are held until the "real" evidence can be found.

Other Motivations for Martial Law: Quintana CYA 101

¶13. (C) Reis said Quintana is also simultaneously trying to cover up his involvement in the September 11 violence while he searches for evidence to implicate others (reftel a). A DAO contact asserted Quintana is also trying to maintain martial law in order to protect his personal cocaine smuggling operation, which transits Pando. According to this contact, the 33 trucks allegedly belonging to Quintana that were stopped at the Pando border July 30 before subsequently disappearing, were loaded with cocaine and other contraband. Quintana and Bandiera are under investigation in the case (Bandiera was in charge of the counter-contraband force that seized the trucks).

Taking Over "Little" Pando

¶14. (C) Reis asserts the events of September 11 and subsequent state of siege were opportunities for the government to pursue its long-term agenda in Pando: to force out opposition sympathizers while encouraging government-sympathetic immigration from the Altiplano to change the political landscape of Pando. With only 60,000 residents, Reis alleges the government targeted "little" Pando as low-hanging political fruit of the (then) five opposition-controlled departments, consolidating its resources and supporters from neighboring Beni for the September 11 march to force a confrontation. She said the government hopes the continued threat of investigations will keep opposition-aligned asylum seekers in Brazil and encourage others to follow. Her prior concerns about "revenge" focused opposition returnees, are now a memory as she contemplates "at least three years" of concentrated government control of Pando.

Fernandez (and Goldberg) Fear Factor

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¶15. (C) Reis said keeping Fernandez imprisoned serves the government's goal of keeping CONALDE (the association of opposition prefects and civic committees) moribund. Once a legitimate "challenger" to the central government, Reis said the government's imprisonment of Fernandez has silenced the prefects and "killed" CONALDE. Alternatively, letting Fernandez go without consequence could re-embolden the regional opposition, according to MAS thinking. Reis said the MAS was also hoping the expulsion of Ambassador Goldberg September 11 would weaken regional leaders, although "the jailing of Fernandez had a much greater impact. Many MAS leaders really thought Goldberg was helping them (the prefects), "regardless of whether this was based in reality or not."

Quintana's Media PowerPoints Not Powerful Points

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¶16. (C) Reis said Quintana's October 9 attack on Fernandez's control of the Pando and regional Brazilian media, via a televised PowerPoint demonstration, was "complete rubbish." Quintana said Fernandez had succeeded in "consolidating a corrupt structure that stopped press liberty and culminated in the massacre of campesinos. Reis said the Pando media is actually split about 50/50 between supporters of Fernandez and Chiquitin. The Brazilian media across the border, she added, was in fact pro-Fernandez, but not due to manipulation by Fernandez or his supporters. "He is making up associations on his computer program that simply do not exist." Reis suspected the presentation's real motive is to intimidate the local media. She added the charges against Beni Department pundit Jorge Melgar are bogus and "simply revenge" for his hostile stance against Quintana, which she added was in fact excessive but not criminal. "They could have just canceled his show pending an investigation," contested Reis.

¶17. (C) Ombudsman Albarracin told PolOff that the GOB's actions were "simply illegal." He cited the rights of the accused to be tried in Pando (not shipped to La Paz), the requirement to present charges before a judge within 48 hours (under martial law, 24 hours normally), the failure to meet the Constitutional requirement to have Congress endorse a state of siege, and the communication restrictions imposed on the prisoners. Melgar's family contends his imprisonment is payback for leaking a video of Quintana threatening to "bury" Fernandez and advocating his overthrow. Melgar remains in custody in La Paz awaiting a decision, possibly October 31, on whether to try him in Beni or La Paz.

Ex-HR Ombudsman: Even "Buffoons" Have Rights

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¶18. (C) Former Ombudsman Ana Maria Romero de Campero told PolOff that Melgar is a "buffoon, not a journalist," but that whatever misdeeds he may have committed did not merit his middle-of-the-night, "violent" seizure of October 13. She likewise criticized the manner and legality of the Pando arrests generally, although she side-stepped commenting on the merits of the charges. A government sympathizer, Romero would only say Fernandez is "the king of Pando, he knows everything that goes on there," implying some role in the September 11 violence. Romero accused the media and current defensor Waldo Albarracin for failing to properly investigate Pando's September clashes. "The media has not been allowed to do its job and the Defensor is simply not doing his job. There are no facts in this case yet, only opinions."

HR Ombudsman Plays Pando Hide and Seek

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¶19. (C) Current Ombudsman Albarracin told PolOff that despite his best efforts to investigate the Pando case, the government has been uncooperative. He said the Pando case has ruined his relationship with the government and that he receives threats from both political extremes continually

over the case. Albarracin said authorities in Pando have restricted his office's access and that they "hide whenever we show up." He added that a Defensor investigator sent to Brazil to document asylum seekers' versions of events was harassed by plainclothes Bolivian security forces and ordered to go back to Bolivia. Albarracin has complained to the Minister of Defense Walker San Miguel for failing to explain the legal charges against the Pando detainees satisfactorily and "10 days too late." His requests to Minister of Government Alfredo Rada to identify the unit and names of the soldiers used in the detentions has been ignored, as have his questions about the case submitted to Presidency Minister Quintana.

Truth is Out There, but Obscured by Political Scapegoating

¶20. (C) Albarracin said on the merits of charges, it was "irresponsible to say we know the truth about Pando." He complained his investigation is frustrated by highly politicized testimony provided by "protagonists who only care about their own dead." Albarracin characterized the charges against Fernandez as a "political campaign," and argued that "there is no way he personally shot all those people, so why is the government trying to blame it all on him?" He said if the government was serious about its investigation, it would have at least "a few people from the other side of the conflict. Opposition people died as well." Ultimately, he said "both sides share the guilt," but in the case of political violence the government, both prefectural and national, "has the prime responsibility" for keeping the peace. He added that he also blamed opposition departmental (state) governments for excesses under their watches, such as the May 24 forced march of campesinos in Sucre and violence during the Spring's autonomy referenda. Albarracin hoped international organizations would have better luck than his office, but, referring specially to the Human Rights Foundation, he said "they do not have the facts and so any opinion they have is just that, an opinion."

IOs to the Rescue?

¶21. (C) Reis said she spoke with and observed the Unasur investigative delegation at her Pando hotel and is concerned that the Venezuelan members appeared to be leading the group through a government-organized "tour." Unasur released the results of their investigation on November 5, and the results were mixed. While the report did refute the government's charges of U.S. involvement in the September 11 violence, it also found no evidence to support charges of Venezuelan involvement. (Note: Given the active involvement of the Venezuelan members of the delegation, this result is not surprising. End note.) Likewise, our meeting with the UN's Human Rights Office in La Paz did not engender confidence that their Pando investigation would look anywhere the government "does not think (they) should go." At least Unasur conducted a three-hour interview with Fernandez October 30 and the UN office here has told Post they have already spoken with most of the Pando detainees.

Comment

¶22. (C) Reis's characterization of a Quintana's overrule on an agreement to lift the state of siege helps explain the flurry of contradictory statements from senior government officials on the subject following the October 21 constitutional compromise. Reis' comments about Quintana "making up associations" on his computer reminds Post of a similar presentation he gave in August 2007 in which he made a case against USAID. Reis' characterization of the militarization of Pando being carried out under the guise of combating smuggling of contraband reminds us of measures being taken to beef up the military presence in Santa Cruz ostensibly to fortify flood relief activities. Both are bold attempts by the government to project power in opposition strongholds while trying not to raise eyebrows, either

domestically or internationally.
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